IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 2897-M of 2007

DATE OF DECISION : 08.02.2007

Balwinder Kaur alias Heena

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. J.S. Puri, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Balwinder Kaur alias Heena has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 68 dated 2.8.2006 registered at Police Station Kotwali, Nabha, District Patiala, under Sections 307, 324, 34 IPC.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 29.11.2006, passed by Additional Sessions Judge, (Adhoc), Patiala, whereby bail to the petitioner has been declined. I have also perused the MLR of the complainant, shown by the State Counsel.

Petitioner is the wife of the complainant and in the FIR, it has been alleged that the petitioner along with her brother and mother caused injuries to the complainant and threw him on the road in front of the house. The petitioner is alleged to have given knife blow on the stomach of the complainant.

Counsel for the petitioner contends that after two days, the complainant was discharged and initially, the FIR was registered under Section 324 IPC. Subsequently, on the basis of the opinion of the Doctor,

offence under Section 307 IPC was added. Marriage of the petitioner and the complainant was solemnized in the year 2000 and one child was also born out of their wed-lock. Counsel contends that the petitioner is in custody since 7.9.2006 and till date, no prosecution witness has been examined. He further submits that the trial is not going to conclude soon. The aforesaid material factual position has not been disputed by the State Counsel.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and she is, accordingly, ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of the trial court.

February 08, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**